IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 4TH JULY 2006 / 13TH ASHADA 1928

Bail Appl..No. 3932 of 2006()

CRMP.1571/2006 of DISTRICT COURT, KASARAGOD
CMP.1922/2006 of J.M.F.C.-I,HOSDRUG
CRIME NO.155/2006 OF CHANDERA POLICE STATION

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PETITIONER/ACCUSED

ABDULRAHIMAN K.,
S/O. KUNHAHAMMED HAJI @ BAITHAN MUHAMMED KUNHAMU,
AGED 26, KEEZHOOR KADAPPURAM, MELPARAMBA,
KALANAD VILLAGE, KASARAGOD DISTRICT.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL
SRI.BINOY VASUDEVAN

RESPONDENTS: STATE & COMPLAINANT:

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
CHANDERA POLICE STATION, KASARAGOD DISTRICT.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 3932 of 2006

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Dated this the 4th day of July, 2006

O R D E R

When the application came up for consideration, filed under Section 439 Cr.P.C, as the petitioner is in judicial custody from 04/05/2006 in Crime No.155/2006 of Chandera Police Station, for being found in illegal possession of 35 litres of spirit, the learned Public Prosecutor submitted that the petitioner is also accused in an another crime, for having illegally possessed spirit and the same case is pending. As the offence in this case had been committed while the petitioner was on bail with earlier crime, because of the application of Section 41A of the Abkari Act, the petitioner is not entitled for bail, at this stage. Notwithstanding this order, I make it clear that the petitioner may move an application before the court below for the statutory relief, if any, under the relevant section of Criminal Procedure Code.

(J.M.JAMES)
Judge

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